

Message Text

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C O N F I D E N T I A L WELLINGTON 0377

EO 11652: GDS

TAGS: MARR, TSPA, NZ

SUBJECT: CIVILIAN OPERATION OF BAKER-NUNN STATION

REF A. STATE 264607 B) WELLINGTON 3773 C) STATE 027786

1. EMBOFF DISCUSSED CIVILIAN OPERATION OF MT JOHN BAKER-NUNN STATION WITH DAN RICHARDS (HEAD, MFA DEFENSE DIVISION) AND ALLAN DOYLE (ASSISTANT HEAD, MFA LEGAL DIVISION) FEB 12. MAIN POINTS OF GNZ POSITION FOLLOW:
 2. JURISDICTION-GNZ INSISTS ON CRIMINAL JURISDICTION OVER CONTRACTOR PERSONNEL.
 3. CLAIMS-CONTRACTOR WILL BE LIABLE FOR ANY CLAIMS.
 4. TAXES AND CUSTOMS-GNZ POSITION IS THAT CONTRACTOR AND CONTRACTOR PERSONNEL ARE NO DIFFERENT THAN PRIVATE COMPANY OR INDIVIDUALS OPERATING OR WORKING IN NEW ZEALAND AND ARE, THEREFORE, SUBJECT TO NEW ZEALAND TAXES, CUSTOMS, DUTIES, ETC. GNZ READS PARA. 7 OR MOU AS APPLYING ONLY TO UNIFORMED MEMBERS OF ARMED FORCES AND DIRECT HIRE PERSONNEL, AND IS UNWILLING EXTEND DEFINITION ALONG LINES OUTLINED PARA. 3 REFTTEL C. DOYLE'S OPINION WAS THAT ONLY GOODS THAT WOULD BE ALLOWED ENTER NEW ZEALAND DUTY
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FREE WOULD BE THOSE DESTINED FOR MAINTENANCE, REPAIR

OR UPGRADING OF TRACKING STATION ON BASIS THAT STATION WILL REMAIN USG FACILITY. CUSTOM REGULATIONS WOULD REQUIRE CONTRACTOR PERSONNEL PAY DUTY ON HOUSEHOLD EFFECTS AND AUTOMOBILES UNLESS A) PERSONNEL ARE COMING TO NEW ZEALAND FOR PERMANENT RESIDENCE OR B) PERSONNEL STAY IN NEW ZEALAND IS LESS THAN 12 MONTHS. IN LATTER CASE DEPOSIT EQUAL TO AMOUNT OF CUSTOMS DUTY IS REQUIRED. IF INDIVIDUAL LEAVES DURING SECOND YEAR PRO RATA REBATE OF DEPOSIT CAN BE OBTAINED.

5. COMMENT-WHILE EMBASSY IS WILLING ATTEMPT TO CHANGE GNZ POSITION WITH REGARD TO TAXES AND CUSTOMS DUTIES, WE BELIEVE THERE IS LITTLE LIKELIHOOD USG VIEWS OUTLINED PARA. 3, REFTTEL C, WILL BE ACCEPTED. ANY EFFORT TO FORCE ISSUE LIKELY TO BE FRUSTRATING AND TIME CONSUMING AS WAS CASE WITH MT. JOHN LEASE. ALSO, RATHER THAN ATTEMPTING TO AMEND MOU EMBASSY BELIEVES LESS FORMAL EXCHANGE OF LETTERS BETWEEN AMBASSADOR AND SECRETARY OF FOREIGN AFFAIRS IS PREFERABLE. EXCHANGE OF LETTERS HAS ADVANTAGE OF LEAVING MOU INTACT--A MAJOR ADVANTAGE SHOULD USAF DECIDE TO REVERT BACK TO MANNING BY UNIFORMED PERSONNEL.
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